

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

CHARLES M. MURRELL III,

Plaintiff,

v.

PATRIOT FRONT, THOMAS ROUSSEAU,  
AND JOHN DOES 1-99,

Defendants.

Civil Action No. 1:23-cv-11802

**MOTION FOR LEAVE TO PRESENT LIVE TRIAL TESTIMONY OF DR. PETER SIMI  
VIA VIDEO VIDEOCONFERENCE ON EITHER THE AFTERNOON OF OCTOBER 3  
OR THE MORNING OF OCTOBER 4, 2024**

Plaintiff Charles M. Murrell, through his counsel, respectfully moves the Court for an Order (1) permitting him to present live expert testimony of Dr. Peter Simi via videoconference instead of in person and (2) authorizing that remote testimony to take place on either the afternoon of October 3, 2024, the morning of October 4, 2024, or another time convenient for the Court. In support of this Motion, Plaintiff respectfully states as follows.

Plaintiff intends to adduce live testimony from at least five witnesses at the upcoming evidentiary hearing on Plaintiff's Motion for Default Judgment, currently scheduled to take place between 9:00 a.m. and 1:00 p.m. on October 2 and 3, 2024.<sup>1</sup> All but one of those witnesses will appear in person to testify. The remaining witness—Dr. Peter Simi, a Professor of Sociology at Chapman University who Mr. Murrell intends to proffer as an expert witness on the subject of the white supremacist movement and Patriot Front's role therein—has a pre-existing professional

---

<sup>1</sup> Mr. Murrell will disclose the identities of those witnesses on his forthcoming witness list, to be filed in accordance with Local Civil Rule 43.1(b).

commitment that prevents him from attending the evidentiary hearing in person, and also renders him unavailable to appear remotely during the hearing times currently scheduled by the Court. Mr. Murrell therefore submits this Motion to allow Dr. Simi to appear via videoconference during a different time slot that is acceptable to the Court.

Good cause supports this request. Rule 43(a) of the Federal Rules of Civil Procedure allows the Court to “permit testimony in open court by contemporaneous transmission from a different location” “in compelling circumstances and with appropriate safeguards.” Fed. R. Civ. P. 43(a). As detailed in the attached declaration, Dr. Simi has an unavoidable, pre-existing professional commitment to attend to in Little Rock, Arkansas on October 2-3, 2024, which prevents him from testifying in person in Boston on those dates. *See* Exhibit A, Declaration of Dr. Peter Simi. He is, however, available to testify remotely via videoconference on the afternoon of October 3 (between 2:00 pm and 6:00 pm) as well as the morning of October 4 (between 9:00 a.m. and 1:00 p.m.). *See id.* If neither of those times works for the Court, Plaintiff’s counsel and Dr. Simi are happy to find another time that is convenient for the Court.

Plaintiff will abide by any procedural safeguards deemed necessary by the Court to address any concerns about the feasibility of remote testimony from Dr. Simi or related logistical issues. Plaintiff also appreciates that the Court may have other hearings or proceedings scheduled during the proposed time slots, and will conduct his examination of Dr. Simi in an expeditious manner to accommodate the Court’s schedule. Plaintiff expects that he can complete his examination of Dr. Simi in approximately 45 minutes.

Accordingly, Plaintiff respectfully requests the Court to grant this Motion and allow Dr. Peter Simi to offer live testimony via videoconference on either the afternoon of October 3 or the morning of October 4, 2024

Dated: September 20, 2024

Respectfully Submitted,

CHARLES M. MURRELL III

By his attorneys,

/s/ James M. Gross

James M. Gross (admitted *pro hac vice*)

Jace Lee (admitted *pro hac vice*)

FOLEY HOAG LLP

1301 Avenue of the Americas

New York, NY 10019

Tel: 212-812-0400

Fax: 212-812-0399

jgross@foleyhoag.com

jalee@foleyhoag.com

Anthony Mirenda (BBO No. 550587)

Allen M. Thigpen (BBO No. 707799)

Caroline Holliday (BBO No. 707301)

FOLEY HOAG LLP

155 Seaport Blvd., Suite 1600

Boston, Massachusetts 02210-2600

Tel: 617-832-1000

Fax: 617-832-7000

ADM@foleyhoag.com

athigpen@foleyhoag.com

cholliday@foleyhoag.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20th day of September, 2024, I caused a copy of the above document to be electronically filed using the CM/ECF system. Plaintiff will serve this Motion on Defendants via the alternative means of service authorized by this Court's November 7, 2023 Order (ECF No. 20).

/s/ James M. Gross

James M. Gross